

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PRESTON SMITH,

Plaintiff(s).

V.

CITY OF BURBANK et al,

Defendant(s).

CV10-8840-R

ORDER RE:
NOTICE TO COUNSEL

READ CAREFULLY: FAILURE TO COMPLY MAY LEAD TO SANCTIONS

This case has been assigned to the calendar of Judge Manuel L. Real.

Counsel are advised that the Court expects strict compliance with the provisions of the Local Rules and the Federal Rules of Civil Procedure. NONCOMPLIANCE MAY LEAD TO THE IMPOSITION OF SANCTIONS WHICH MAY INCLUDE THE STRIKING OF PLEADINGS AND ENTRY OF JUDGMENT OR DISMISSAL OF THE ACTION.

The attention of counsel is particularly directed to Local Rule 16. Counsel should also be guided by the following special requirements when litigating cases assigned to Judge Real:

1. INTERROGATORIES: See Local Rules.

2. MOTIONS: Motions shall be heard on the first and third Monday of each month at 10:00 A.M., unless otherwise ordered by the Court. If the Monday is a national holiday, the succeeding Tuesday shall be the motion day. Counsel do not need to contact the Court in this regard, as there is no need to reserve dates.

NOTICE TO COUNSEL

PAGE 2

=====

3. **EX PARTE APPLICATIONS:** No hearing will be held unless deemed necessary by the Court; if the Court requires a hearing, the clerk will contact the parties and inform them of the date and time. In the moving papers' declaration of notification, the declarant shall state whether or not the application is opposed; if opposed, the declarant shall state that the opposing party was informed and has twenty-four (24) hours from receipt of the papers to file its opposition. The matter will then stand submitted.

4. **CONTINUANCES:** Counsel requesting a continuance must submit a stipulation with a detailed declaration as to the reason for the requested continuance or extension of time, together with a proposed order. Stipulations, including those for second and subsequent extensions of time to respond to the complaint, are effective **ONLY** when approved by this Court. Any stipulation not in compliance with this order or the Local Rules will automatically be denied without further notice to the parties.

5. **CONFORMED COPIES:** Parties will receive conformed copies through the Court's CM/ECF e-filing system; or by mail, if applicable.

6. **REMOVED ACTIONS:** Any answers filed in state court must be refiled in this Court as a supplement to the petition. Any pending motions must be renoticed in accordance with Local Rule 7.

7. **WAIVED LOCAL RULES:** (Local Rule 16-15): Settlement conferences are **NOT** mandatory; if the parties mutually agree to the holding of a settlement conference, they shall contact the clerk. (Local Rule 7-3): parties are **NOT** obligated to meet and confer, or file a declaration in connection thereto, for the purposes of preparing and filing dispositive motions (to dismiss, summary judgment, etc).

8. **FEDERAL RULE 26(f):** This Court requires the following, and counsel are **ORDERED** to follow this outline: 30 days after the first answering defendant files a response to the complaint, the parties shall hold an early meeting, in person, for the purpose of making initial disclosures. Plaintiff's counsel shall have the duty of scheduling the meeting. The parties shall then file a Joint Report of Early Meeting within 14 days of the holding of the Early Meeting of Counsel. Counsel are informed that approximately 30 days after receipt of the Joint Report, this Court shall issue an Order setting the dates of the Final Pre-Trial Conference, and the Trial of the action. This Court shall not set a "scheduling conference" or issue a "scheduling order" other than as set

NOTICE TO COUNSEL

PAGE 3

=====

out previously in this section.

9. MANDATORY COPIES OF E-FILED DOCUMENTS: Mandatory copies are not accepted in chambers. Copies of all e-filed documents shall be delivered either to the civil intake section clearly marked as a courtesy copy, placed in the courtesy copy in-box outside of chambers or sent to the Court via overnight mail, within twelve (12) court business hours of the time the document was e-filed. The courtesy copy shall be blue-backed and double-hole punched.

10. WORD/WORDPERFECT PROPOSED ORDERS, JUDGMENTS OR ANY OTHER SIGNATURE ITEMS: Pursuant to General Order 08-02, a Microsoft Word or WordPerfect copy of any proposed document requiring a signature shall and must be e-mailed to the generic chambers e-mail address (r_chambers@cacd.uscourts.gov). The subject line of the e-mail shall be in the following format: court's divisional office, year, case type, case number, judge's initials and filer (party) name [e.g., 2:09 CV 09876 R (Plaintiff or Defendant's name)].

11. NOTICE OF THIS ORDER: Counsel for plaintiff, or plaintiff, if appearing on his or her own behalf, is responsible for promptly serving this notice on defendant's counsel, and filing a proof of service with the notice attached as an exhibit with the Court. If this case came to the Court via a Noticed Removal, this burden falls to the removing defendant.



MANUEL L. REAL
U. S. DISTRICT JUDGE

Date: November 4, 2011

Pearlman, Brianna

From: cacd_ecfmail@cacd.uscourts.gov
Sent: Monday, November 07, 2011 10:25 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 2:10-cv-08840-R-AGR Preston Smith v. City of Burbank et al Order

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

~~***NOTE TO PUBLIC ACCESS USERS***~~ Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 11/7/2011 at 10:25 AM PST and filed on 11/4/2011

Case Name: Preston Smith v. City of Burbank et al

Case Number: 2:10-cv-08840-R-AGR

Filer:

WARNING: CASE CLOSED on 03/01/2011

Document Number: 44

Docket Text:

ORDER RE:NOTICE TO COUNSEL by Judge Manuel L. Real,(pj)

2:10-cv-08840-R-AGR Notice has been electronically mailed to:

Max A Sauler msauler@miller4law.com

Dennis Michael Gonzales dard@lbaclaw.com, dgonzales@lbaclaw.com

David D Lawrence bmoyer@lbaclaw.com, dlawrence@lbaclaw.com

Manuel H Miller miller4law@msn.com

Carol Ann Humiston chumiston@ci.burbank.ca.us, larutyunyan@ci.burbank.ca.us, lrosoff@ci.burbank.ca.us

Nathan A Oyster clynch@lbaclaw.com, noyster@lbaclaw.com

Dennis A Barlow dbarlow@ci.burbank.ca.us

Juli C Scott jscott@ci.burbank.ca.us

2:10-cv-08840-R-AGR Notice has been delivered by First Class U. S. Mail or by other means to: :

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PRESTON SMITH,

Plaintiff(s).

V.

CITY OF BURBANK et al,

Defendant(s).

CV10-8840-R

ORDER RE:
NOTICE TO COUNSEL

READ CAREFULLY: FAILURE TO COMPLY MAY LEAD TO SANCTIONS

This case has been assigned to the calendar of Judge Manuel L. Real.

Counsel are advised that the Court expects strict compliance with the provisions of the Local Rules and the Federal Rules of Civil Procedure. NONCOMPLIANCE MAY LEAD TO THE IMPOSITION OF SANCTIONS WHICH MAY INCLUDE THE STRIKING OF PLEADINGS AND ENTRY OF JUDGMENT OR DISMISSAL OF THE ACTION.

The attention of counsel is particularly directed to Local Rule 16. Counsel should also be guided by the following special requirements when litigating cases assigned to Judge Real:

1. **INTERROGATORIES**: See Local Rules.

2. **MOTIONS**: Motions shall be heard on the first and third Monday of each month at 10:00 A.M., unless otherwise ordered by the Court. If the Monday is a national holiday, the succeeding Tuesday shall be the motion day. Counsel do not need to contact the Court in this regard, as there is no need to reserve dates.

NOTICE TO COUNSEL

PAGE 2

=====

3. **EX PARTE APPLICATIONS:** No hearing will be held unless deemed necessary by the Court; if the Court requires a hearing, the clerk will contact the parties and inform them of the date and time. In the moving papers' declaration of notification, the declarant shall state whether or not the application is opposed; if opposed, the declarant shall state that the opposing party was informed and has twenty-four (24) hours from receipt of the papers to file its opposition. The matter will then stand submitted.

4. **CONTINUANCES:** Counsel requesting a continuance must submit a stipulation with a detailed declaration as to the reason for the requested continuance or extension of time, together with a proposed order. Stipulations, including those for second and subsequent extensions of time to respond to the complaint, are effective ONLY when approved by this Court. Any stipulation not in compliance with this order or the Local Rules will automatically be denied without further notice to the parties.

5. **CONFORMED COPIES:** Parties will receive conformed copies through the Court's CM/ECF e-filing system; or by mail, if applicable.

6. **REMOVED ACTIONS:** Any answers filed in state court must be refiled in this Court as a supplement to the petition. Any pending motions must be renoticed in accordance with Local Rule 7.

7. **WAIVED LOCAL RULES:** (Local Rule 16-15): Settlement conferences are NOT mandatory; if the parties mutually agree to the holding of a settlement conference, they shall contact the clerk. (Local Rule 7-3): parties are NOT obligated to meet and confer, or file a declaration in connection thereto, for the purposes of preparing and filing dispositive motions (to dismiss, summary judgment, etc).

8. **FEDERAL RULE 26(f):** This Court requires the following, and counsel are ORDERED to follow this outline: 30 days after the first answering defendant files a response to the complaint, the parties shall hold an early meeting, in person, for the purpose of making initial disclosures. Plaintiff's counsel shall have the duty of scheduling the meeting. The parties shall then file a Joint Report of Early Meeting within 14 days of the holding of the Early Meeting of Counsel. Counsel are informed that approximately 30 days after receipt of the Joint Report, this Court shall issue an Order setting the dates of the Final Pre-Trial Conference, and the Trial of the action. This Court shall not set a "scheduling conference" or issue a "scheduling order" other than as set

NOTICE TO COUNSEL

PAGE 3

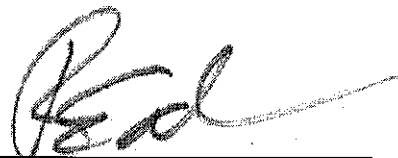
=====

out previously in this section.

9. MANDATORY COPIES OF E-FILED DOCUMENTS: Mandatory copies are not accepted in chambers. Copies of all e-filed documents shall be delivered either to the civil intake section clearly marked as a courtesy copy, placed in the courtesy copy in-box outside of chambers or sent to the Court via overnight mail, within twelve (12) court business hours of the time the document was e-filed. The courtesy copy shall be blue-backed and double-hole punched.

10. WORD/WORDPERFECT PROPOSED ORDERS, JUDGMENTS OR ANY OTHER SIGNATURE ITEMS: Pursuant to General Order 08-02, a Microsoft Word or WordPerfect copy of any proposed document requiring a signature shall and must be e-mailed to the generic chambers e-mail address (r_chambers@cacd.uscourts.gov). The subject line of the e-mail shall be in the following format: court's divisional office, year, case type, case number, judge's initials and filer (party) name [e.g., 2:09 CV 09876 R (Plaintiff or Defendant's name)].

11. NOTICE OF THIS ORDER: Counsel for plaintiff, or plaintiff, if appearing on his or her own behalf, is responsible for promptly serving this notice on defendant's counsel, and filing a proof of service with the notice attached as an exhibit with the Court. If this case came to the Court via a Noticed Removal, this burden falls to the removing defendant.



MANUEL L. REAL
U. S. DISTRICT JUDGE

Date: November 4, 2011